

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  REFUSAL OF SERVICE TO RELOCATING LIHEAP CUSTOMERS	DOCKET NO. DRU-02-2
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**ORDER GRANTING MOTION TO LATE FILE, ESTABLISHING REPLY DATE,  
AND GRANTING INTERVENTIONS**

(Issued March 25, 2002)

On February 8, 2002, the Utilities Board (Board) received a letter from State Representative Jack Hatch requesting the Board issue a declaratory order. After some preliminary investigation, the Board determined that the letter should be treated as a petition for a declaratory order pursuant to Iowa Code § 17A.9 and Board rule 199 IAC 4.1. The proceeding was identified as Docket No. DRU-02-2.

The Board by order issued February 26, 2002, gave notice of the petition for declaratory order and directed that interventions in conformance with 199 IAC 4.3(3) were to be filed on or before March 11, 2002, and replies on or before March 20, 2002. The Board stated that late filings would be allowed upon a showing of good cause.

On March 19, 2002, the Iowa Coalition for Housing and the Homeless (ICHH) filed a motion to late file its petition to intervene. ICHH indicates that it misinterpreted the order as establishing March 20, 2002, as the date for interventions rather than replies. The petition to intervene complies with the requirements of 199 IAC 4.3(3).

The Board finds that the motion to late file will be granted. The filing is not so late as to prevent the Board from giving other intervenors an opportunity to respond to ICHH's intervention. Other parties will be allowed until April 1, 2002, to file replies to the ICHH intervention. Replies addressing other intervenor's replies will not be considered.

Timely petitions to intervene were filed by the Iowa Association of Electric Cooperatives, MidAmerican Energy Company, Iowa Association of Municipal Utilities, Legal Services Corporation of Iowa, Iowa Community Action Association, the Consumer Advocate Division of the Department of Justice, and Interstate Power and Light Company. These petitions to intervene will be granted.

Pursuant to Iowa Code § 17A.9(8), the Board must issue an order on or before April 9, 2002. The Board will not consider any filings made after April 1, 2002.

**IT IS THEREFORE ORDERED:**

1. The "Motion to Late File" filed by the Iowa Coalition for Housing and the Homeless on March 19, 2002, is granted. The Iowa Coalition for Housing and the Homeless is granted intervention in this proceeding.

2. Intervention is granted to the Iowa Association of Municipal Utilities, Iowa Association of Electric Cooperatives, Legal Services Corporation of Iowa, Iowa Community Action Association, MidAmerican Energy Company, Interstate Power and Light Company, and the Consumer Advocate Division of the Department of Justice.

3. Replies to the petition to intervene of the Iowa Coalition for Housing and the Homeless shall be filed on or before April 1, 2002.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 25<sup>th</sup> day of March, 2002.